

MINORITY SERVING INSTITUTION DIGITAL AND
WIRELESS TECHNOLOGY OPPORTUNITY ACT OF 2003

NOVEMBER 19, 2004.—Ordered to be printed

Mr. BOEHLERT, from the Committee on Science,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 2801]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, to whom was referred the bill (H.R. 2801) to establish a digital and wireless network technology program, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003”.

SEC. 2. ESTABLISHMENT OF PROGRAM.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by inserting the following after subsection (f):

“(g) MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—

“(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish a Minority Serving Institution Digital and Wireless Technology Opportunity Program to assist eligible institutions in acquiring, and augmenting their use of, digital and wireless networking technologies to improve the quality and delivery of educational services at eligible institutions.

“(2) AUTHORIZED ACTIVITIES.—An eligible institution may use a grant, cooperative agreement, or contract awarded under this subsection—

“(A) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure to further the objective of the Program described in paragraph (1);

“(B) to develop and provide training, education, and professional development programs, including faculty development, to increase the use of, and usefulness of, digital and wireless networking technology;

“(C) to provide teacher education, including the provision of preservice teacher training and in-service professional development at eligible institutions, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use digital and wireless networking technology in the classroom or instructional process, including instruction in science, mathematics, engineering, and technology subjects;

“(D) to obtain capacity-building technical assistance, including through remote technical support, technical assistance workshops, and distance learning services; and

“(E) to foster the use of digital and wireless networking technology to improve research and education, including scientific, mathematics, engineering, and technology instruction.

“(3) APPLICATION AND REVIEW PROCEDURES.—

“(A) IN GENERAL.—To be eligible to receive a grant, cooperative agreement, or contract under this subsection, an eligible institution shall submit an application to the Under Secretary at such time, in such manner, and containing such information as the Under Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used, including a description of any digital and wireless networking technology to be acquired, and a description of how the institution will ensure that digital and wireless networking will be made accessible to, and employed by, students, faculty, and administrators. The Under Secretary, consistent with subparagraph (C) and in consultation with the advisory council established under subparagraph (B), shall establish procedures to review such applications. The Under Secretary shall publish the application requirements and review criteria in the Federal Register, along with a statement describing the availability of funds.

“(B) ADVISORY COUNCIL.—The Under Secretary shall establish an advisory council to advise the Under Secretary on the best approaches to encourage maximum participation by eligible institutions in the program established under paragraph (1), and on the procedures to review proposals submitted to the program. In selecting the members of the advisory council, the Under Secretary shall consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council includes representatives of minority businesses and eligible institution communities. The Under Secretary shall

also consult with experts in digital and wireless networking technology to ensure that such expertise is represented on the advisory council.

“(C) REVIEW PANELS.—Each application submitted under this subsection by an eligible institution shall be reviewed by a panel of individuals selected by the Under Secretary to judge the quality and merit of the proposal, including the extent to which the eligible institution can effectively and successfully utilize the proposed grant, cooperative agreement, or contract to carry out the program described in paragraph (1). The Under Secretary shall ensure that the review panels include representatives of minority serving institutions and others who are knowledgeable about eligible institutions and technology issues. The Under Secretary shall ensure that no individual assigned under this subsection to review any application has a conflict of interest with regard to that application. The Under Secretary shall take into consideration the recommendations of the review panel in determining whether to award a grant, cooperative agreement, or contract to an eligible institution.

“(D) INFORMATION DISSEMINATION.—The Under Secretary shall convene an annual meeting of eligible institutions receiving grants, cooperative agreements, or contracts under this subsection to foster collaboration and capacity-building activities among eligible institutions.

“(E) MATCHING REQUIREMENT.—The Under Secretary may not award a grant, cooperative agreement, or contract to an eligible institution under this subsection unless such institution agrees that, with respect to the costs incurred by the institution in carrying out the program for which the grant, cooperative agreement, or contract was awarded, such institution shall make available, directly, or through donations from public or private entities, non-Federal contributions in an amount equal to one-quarter of the grant, cooperative agreement, or contract awarded by the Under Secretary, or \$500,000, whichever is the lesser amount. The Under Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than \$50,000,000.

“(F) AWARDS.—

“(i) LIMITATION.—An eligible institution that receives a grant, cooperative agreement, or contract under this subsection that exceeds \$2,500,000 shall not be eligible to receive another grant, cooperative agreement, or contract.

“(ii) CONSORTIA.—Grants, cooperative agreements, and contracts may only be awarded to eligible institutions. Eligible institutions may seek funding under this subsection for consortia which may include other eligible institutions, a State or a State education agency, local education agencies, institutions of higher education, community-based organizations, national nonprofit organizations, or businesses, including minority businesses.

“(iii) PLANNING GRANTS.—The Under Secretary may provide funds to develop strategic plans to implement such grants, cooperative agreements, or contracts.

“(iv) INSTITUTIONAL DIVERSITY.—In awarding grants, cooperative agreements, and contracts to eligible institutions, the Under Secretary shall ensure, to the extent practicable, that awards are made to all types of institutions eligible for assistance under this subsection.

“(v) NEED.—In awarding funds under this subsection, the Under Secretary shall give priority to the institution with the greatest demonstrated need for assistance.

“(G) ANNUAL REPORT AND EVALUATION.—

“(i) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, cooperative agreement, or contract awarded under this subsection shall provide an annual report to the Under Secretary on its use of the grant, cooperative agreement, or contract.

“(ii) INDEPENDENT ASSESSMENT.—Not later than 6 months after the date of enactment of this subsection, the Under Secretary shall enter into a contract with the National Academy of Public Administration to conduct periodic assessments of the program. The Assessments shall be conducted once every 3 years during the 10-year period following the enactment of this subsection. The assessments shall include an evaluation of the effectiveness of the program in improving the education and training of students, faculty and staff at eligible institutions that have been awarded grants, cooperative agreements, or contracts under the program; an evaluation of the effectiveness of the program in improving

access to, and familiarity with, digital and wireless networking technology for students, faculty, and staff at all eligible institutions; an evaluation of the procedures established under paragraph (3)(A); and recommendations for improving the program, including recommendations concerning the continuing need for Federal support. In carrying out its assessments, the National Academy of Public Administration shall review the reports submitted to the Under Secretary under clause (i).

“(iii) REPORT TO CONGRESS.—Upon completion of each independent assessment carried out under clause (ii), the Under Secretary shall transmit the assessment to Congress along with a summary of the Under Secretary’s plans, if any, to implement the recommendations of the National Academy of Public Administration.

“(H) DEFINITIONS.—In this subsection:

“(i) DIGITAL AND WIRELESS NETWORKING TECHNOLOGY.—The term ‘digital and wireless networking technology’ means computer and communications equipment and software that facilitates the transmission of information in a digital format.

“(ii) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means an institution that is—

“(I) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), an institution described in section 326(e)(1)(A), (B), or (C) of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), or a consortium of institutions described in this subparagraph;

“(II) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

“(III) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

“(IV) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

“(V) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

“(VI) an institution of higher education (as defined in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k)) with an enrollment of needy students (as defined in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1058(d)).

“(iii) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(iv) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(v) MINORITY BUSINESS.—The term ‘minority business’ includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)).

“(vi) MINORITY INDIVIDUAL.—The term ‘minority individual’ means an American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban and Central or South American origin), or Pacific Islander individual.

“(vii) STATE.—The term ‘State’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(viii) STATE EDUCATIONAL AGENCY.—The term ‘State educational agency’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Technology Administration of the Department of Commerce to carry out section 5(g) of the Stevenson-Wydler Technology Innovation Act of 1980—

- (1) \$250,000,000 for fiscal year 2004;
- (2) \$250,000,000 for fiscal year 2005;
- (3) \$250,000,000 for fiscal year 2006;
- (4) \$250,000,000 for fiscal year 2007; and
- (5) \$250,000,000 for fiscal year 2008.

SEC. 4. ACHIEVEMENTS AND CONTRIBUTIONS OF AFRICAN-AMERICAN SCIENTISTS, MATHEMATICIANS, AND INVENTORS.

(a) FINDINGS.—The Congress finds that—

(1) the historical experience of Americans of African descent began more than 5,000 years B.C.E., with notable scientists, mathematicians, and inventors such as Imhotep, who is recognized by contemporary historians as the first architect, a pioneer in mathematics, an eminent sage and patron of scribes, a respected leader among early Egyptian and Greek civilizations, builder of the first pyramid, and the physician upon whose knowledge and teachings about human anatomy and the functions of the major organs modern medicine rests;

(2) African-Americans have earned an undeniable role in the development of the culture of this Nation, contributing major inventions and scientific discoveries, among other things, that enrich the quality of life for all mankind;

(3) the scientific and technological contributions of African-Americans to the world are largely absent from history books;

(4) the ethos of this rich and proud people, descendants of kings and queens, has been passed down to generations through whispered tales by a remnant of African-American ancestors who understood the relationship between honor, respect, and appreciation of heritage and culture, and the vision and success of future generations;

(5) it is with this spirit that we recognize and celebrate the creative genius and contributions of Annie Easley, Sharon J. Barnes, Thomas L. Jennings, Dr. Benjamin S. Carson, David Blackwell, David N. Crosthwait, Elijah McCoy, Clarence A. Ellis, Phillip Emeagwali, Charles R. Drew, Sarah E. Goode, Granville T. Woods, Lewis H. Latimer, Meredith C. Gourline, Ernest E. Just, Evelyn Boyd Granville, Norbert Rillieux, Mae C. Jemison, George Carruthers, Garret A. Morgan, J. Ernest Wilkins, Sarah Boone, Booker T. Washington, and numerous other African-Americans whose great achievements evidence a vast pool of untapped intellect;

(6) education has been the social, economic, and political gatekeeper for African-Americans, and will become increasingly so for students of color desiring to participate fully in the scientific and technological innovations of the new millennium;

(7) although progress has been made in the educational attainment of African-Americans, they remain less likely than whites and Asians to graduate from high school, enroll in college, graduate from college, and pursue graduate and professional degrees;

(8) African-Americans represent approximately 12 percent of the population in the United States, but only 3 percent of the total science and engineering labor force, less than 1 percent of scientists and engineers, 2 percent of doctoral scientists and engineers, and 1 quarter of 1 percent of computer scientists;

(9) if the declining number and percentage of African-American high school and college students choosing careers that require undergraduate and advanced degrees in science and mathematics continues unabated, the serious shortage of African-American scientists, mathematicians, physicians, computer scientists, and inventors would cause serious harm to the Nation's leadership in scientific research;

(10) the dreams and aspirations of too many African-American youth have withered and must be revitalized with the message that they descend from a proud and noble people who expected and settled for nothing less than excellence in every endeavor, and whose greatness has left an indelible mark on the world;

(11) it is vital that the citizens of this Nation, especially young African-Americans, realize and appreciate the important contributions of their ancestors and contemporaries to past and present society; and

(12) to fulfill the Nation's commitment to equal opportunity and prosperity for every citizen, it is imperative that African-American youth and people of all races and ages realize that the fields of science, mathematics, engineering, and technology are available and accessible to everyone.

(b) ACKNOWLEDGEMENT AND RECOGNITION.—The Congress acknowledges and recognizes the significant achievements and contributions of African-American scientists, mathematicians, and inventors.

II. PURPOSE OF THE BILL

The purpose of the bill is to assist minority-serving institutions in acquiring, and augmenting their use of, digital and wireless net-

working technologies to improve the quality and delivery of educational services at their institutions.

III. BACKGROUND AND NEED FOR THE LEGISLATION

Developing an educated and technologically literate workforce is an important part of our efforts to maintain our Nation's pre-eminence in an increasingly competitive, information-based, global economy. Whether technology should be used in schools is no longer the issue. Rather the current emphasis is on ensuring that technology is available and used effectively to create new opportunities in school and at work. Already, more than half of all workers—from office workers to auto mechanics—use a computer on the job, and that number is expected to grow in the near future. If we are to tap the full potential of this country and its people, we must ensure that all Americans are technically proficient and prepared for the 21st century workforce.

Unfortunately, too many Americans—and minorities in particular—have been raised in an environment without a computer in the home, attended poor schools that were neither wired nor equipped with 21st century technology, and have been taught by educators who may not have had previous experience with computers. Despite a significant federal investment in education technology at the elementary and secondary school levels, a large number of low-income, minority students still have their first exposure to computers and the Internet when they arrive on the college campus.

The U.S. Department of Commerce first documented the disparity between information “haves” and information “have-nots”—the so-called “digital divide”—in 1995. More recently, the Department issued a July 2000 report, entitled *Falling Through the Net: Toward Digital Inclusion*, which found that African-Americans, Hispanics, and other traditional “have-not” groups were experiencing an access disparity that persisted and, in some cases, widened in recent years. Whites were more likely to have access to the Internet from home than African-Americans or Hispanics from any location, with African-American and Hispanic households approximately one-third as likely as a household of Asian/Pacific Islander descent to have Internet access and roughly two-fifths as likely as white households. The 2000 report also found that the gap appeared to be growing wider, with the digital divide increasing slightly for African-Americans and Hispanics from their December 1998 rates.

The digital divide series prompted the National Association for Equal Opportunity in Higher Education (NAFEO), a non-profit public policy and advocacy group, to assess the computing resources, networking and connectivity of its member universities. Of NAFEO's 118 member institutions, 80 Historically Black Colleges and Universities (HBCUs) provided input into the study, known as the HBCU Technology Assessment Study. Funded by the U.S. Department of Commerce, the study found that 88 percent of HBCUs had access to T-1 lines—approximately 1.5 million bits per second (Mbps)—the minimum standard for connectivity and generally considered insufficient to support capabilities beyond Internet and World Wide Web connectivity for an institution of any size. Larger

bandwidth, for faster connections and more Web-based applications, was available to half of reporting institutions.

The larger problem turned out not to be the availability of networking capacity, but rather its use. Only 7.5 percent reported using the high-speed lines even though they were available at half the institutions. Similarly, of the 29 percent of HBCUs with access to wireless technology, only 43 percent were using it. Although it was not clear why many HBCUs weren't using the high-speed connections available to them, some speculated that it had to do with finances, lack of strategic planning, faculty motivation, and training. The study also found that none of the participating HBCUs required undergraduate students to own computers and only 15 percent recommended student computer ownership. As a result, the vast majority of HBCU students relied on institutional resources to connect to the Internet, World Wide Web or other networks, yet only 50 percent of the respondents reported providing "on-demand" student access to computing resources.

Although the report did not examine the need for an improved technology infrastructure at other minority-serving institutions (MSIs), anecdotal information indicates that the problems at other MSIs mirror those at the HBCUs.

MSIs play a unique role in the education of our diverse American workforce. According to recent reports, 21 percent of all college degrees and certificates awarded to African-American, American Indian and Hispanic students are conferred by MSIs. MSIs also help underrepresented students succeed in all disciplines, and science, mathematics, and engineering in particular. For example, of African-Americans earning bachelor degrees in science, math, engineering or technology fields in 1996, 31 percent received them at HBCUs. Similarly, Hispanic-Serving Institutions produced 20 percent of all science, math, engineering or technology bachelor's degrees awarded to Hispanics in 1996.

MSIs have special expertise in serving their communities, which include large numbers of low-income or first-generation college students. Unlike other, larger institutions of higher education, however, MSIs typically have small or nonexistent endowments and few wealthy alumni. As a result, the ability to finance the acquisition and maintenance of the technology that will prepare these students for the workforce is especially challenging for many MSIs.

This Act seeks to address the concerns above and provides funding to assist minority-serving institutions in acquiring, and augmenting their use of, digital and wireless networking technologies to improve the quality and delivery of educational services at their institutions. In particular, the Act is focused on funding activities that will improve the technology skills of students, faculty and administrators and narrow the disparity in access to technology.

IV. HEARING SUMMARY

On Wednesday, July 9, 2003, the Subcommittee on Research of the Committee on Science held a hearing to examine the unmet technology infrastructure needs of minority-serving institutions (MSIs). Witnesses provided comments on and made recommendations for additions to H.R. 2183, the Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003, introduced by Representative J. Randy Forbes. The Subcommittee re-

ceived testimony from Senator George Allen, sponsor of S. 196, the Senate companion to H.R. 2183, and Representatives Edolphus Towns, sponsor of H.R. 2272, similar bipartisan legislation introduced in the House of Representatives. The Subcommittee also heard testimony from representatives of MSIs and associations of such institutions, including the National Association for Equal Opportunity in Higher Education, the Hispanic Association of Colleges and Universities, and the United Negro College Fund. These witnesses discussed the technology infrastructure needs at MSIs as well as efforts by such institutions to address their technology needs. Finally, the Subcommittee heard from the National Science Foundation (NSF) Director. Dr. Rita Colwell described her agency's efforts to expand access to women and minorities in science, mathematics, engineering and technology education and research and announced a new initiative to provide outreach to MSIs. She also expressed opposition to the placement of the program in the bill at NSF.

V. COMMITTEE ACTIONS

On July 21, 2003, Representatives J. Randy Forbes and Edolphus Towns reintroduced the modified text of H.R. 2183 as H.R. 2801, the Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003, a bill to build the technology infrastructure at MSIs.

The Full Committee on Science met on July 22, 2003 to consider the bill. A clarifying amendment, which provided that instruction in science, mathematics, engineering and technology subjects should be among those in which educators are able to receive training in the use of technology, was offered by Chairman Boehlert. The amendment was adopted by voice vote. An amendment was offered by Ms. Woolsey, on behalf of Ms. Johnson, to express the Sense of the Congress on the contributions of African American mathematicians, scientists and inventors. The amendment was adopted by voice vote. An amendment was offered by Mr. Honda to create a new category of minority institutions for Asian Americans. By unanimous consent, Mr. Honda withdrew the amendment. Mr. Hall moved that the Committee favorably report the bill, H.R. 2801, as amended, with the recommendation that the bill as amended do pass, that the staff be instructed to make technical and conforming changes to the bill as amended and prepare the legislative report, and that the Chairman take all necessary steps to bring the bill before the House for consideration. With a quorum present, the motion was agreed to by voice vote.

VI. SUMMARY OF MAJOR PROVISIONS OF THE BILL

- Establishes the Minority Serving Institution Digital and Wireless Technology Opportunity Program within the Technology Administration of the Department of Commerce to assist MSIs in acquiring and augmenting their use of networking and information technology. Funds may be used to acquire equipment; develop and provide training, education and professional development programs related to the use of technology; provide teacher education, including pre-service and in-service professional development, library and media specialist training and pre-school and teacher aid certifi-

cation in technology; obtain technical assistance; and foster the use of technology to improve research and education.

- Establishes an Advisory Council, composed of representatives of MSIs, minority businesses and others with expertise in technology, to help encourage maximum participation among eligible institutions in the program.

- Establishes review panels, selected by the Under Secretary, with, among others, representatives of MSIs and others who are knowledgeable about MSIs and technology issues, to judge the quality and merit of the proposals, including the extent to which the institution can effectively use the funds. Requires the Under Secretary to consider the recommendations of a review panel in determining whether to award or deny funds.

- Requires matching funds of 25 percent or \$500,000, whichever is less, for institutions with endowments of more than \$50,000,000. Requires awards to be granted on a priority basis to those with a demonstrated need for assistance and, to the extent practicable, to all types of institutions eligible for assistance.

- Requires institutions to report annually to the Under Secretary on their use of the funds.

- Requires the Under Secretary to contract with the National Academy of Public Administration to conduct an independent assessment once every three years on the effectiveness of the program in improving the education and training as well as access to and familiarity with technology for students, faculty and staff. Also requires recommendations on the continuing need for federal support. Upon completion, requires the results of the independent assessment to be transmitted to the Congress.

- Authorizes \$250 million for fiscal year 2004 and all subsequent years through fiscal year 2008.

VII. SECTION-BY-SECTION ANALYSIS (BY TITLE AND SECTION)

Section 1. Short title

The “Minority Serving Institution Digital and Wireless Technology Opportunity Act.”

Section 2. Establishment of program

Establishes a Minority Serving Institution Digital and Wireless Technology Opportunity Program within the Technology Administration of the Department of Commerce to assist eligible institutions in acquiring, and augmenting the use of, digital and wireless networking technologies to improve the quality and delivery of educational services at minority-serving institutions (MSIs).

Funds may be used to (1) acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure; (2) develop and provide digital and wireless networking technology training, education and professional development; (3) acquire capacity-building technical assistance through remote technical support, workshops, and distance learning services; and (4) foster the use of digital and wireless networking technology to improve research and education.

Requires applicants to describe any technology to be acquired and how the applicant will ensure that the technology will be made available to students, faculty and administrators. Requires the

Under Secretary, consistent with the recommendations of a review panel and in consultation with the advisory panel, to establish other application requirements.

Requires the establishment of an advisory council, which must include representatives of minority institutions, minority businesses and technology experts, to help the Under Secretary encourage maximum participation by eligible institutions and to provide advice on the procedures to review applications. Requires the establishment of review panels, which must include representatives of MSIs and others who are knowledgeable about MSIs and technology issues, to judge the quality and merit of proposals and the extent to which they can effectively and successfully utilize the funds. Requires the Under Secretary to take into consideration the recommendations of a review panel in awarding grants. Requires the Under Secretary to convene an annual meeting of MSIs receiving grants to foster collaboration and capacity building.

Requires a non-federal match equal to 25 percent of the grant or \$500,000, whichever is less, for institutions with an endowment of more than \$50,000,000. Limits institutions that receive grants that exceed \$2,500,000 from receiving another grant during the authorization.

Allows MSIs to seek funds as part of a consortium, but requires grants to be awarded to the MSIs only. Allows grants for developing strategic plans. Requires a priority in funding for institutions with the greatest need for assistance and requires that awards are made to all types of eligible institutions.

Requires institutions to report annually to the Under Secretary on their use of the funds. Requires the Under Secretary to contract with the National Academy of Public Administration to conduct an independent assessment once every three years on the effectiveness of the program in improving education and training, as well as access to, and familiarity with technology for students, faculty and staff. Also requires recommendations on the continuing need for federal support. Upon completion, requires the results of the independent assessment to be transmitted to the Congress.

Defines terms.

Section 3. Authorization of appropriations

Authorizes \$250 million for fiscal year 2004 and each year through fiscal year 2008.

VIII. COMMITTEE VIEWS

The Committee believes that our continued economic growth and competitiveness depend in large part on advances in science and technology and our ability to produce a technologically sophisticated workforce. Yet the Committee has concluded that, despite the growing federal investment in programs designed to strengthen MSIs, the disparity in access to, and use of, technology between MSIs and other institutions of higher education limits the ability of MSIs to graduate technically literate students and contribute positively to the fields of science, mathematics, engineering and technology.

The program authorized by this Act is designed not only to acquire technology but also to ensure that the new technology is used to improve education. In addition, this Act provides opportunities

for MSIs to determine the best strategies to build and maintain their technology infrastructures through annual meetings with other grantees.

As initially conceived, this program was placed at the National Science Foundation (NSF). The Committee strongly opposed that placement because the mission of the agency does not include the acquisition of technology that is unrelated to scientific research. Moreover, the Committee was also concerned that the placement of the program at NSF would put other education and outreach programs at risk, including those designed to increase the participation of women and minorities in the sciences. The Committee believes placement of the program within the Technology Administration at the Department of Commerce, as reflected in H.R. 2801, as amended, is a better fit.

While the Committee believes that the Minority Serving Institution Digital and Wireless Technology Act of 2003 will help provide important seed money to address the technology needs of MSIs, the legislation itself is not a “silver bullet.” The Committee recognizes that the effective use of technology in educational settings is expensive. It will take a coordinated effort—one that involves institutions, governments, and the private sector—to motivate and train more students to bridge the technology divide. To that end, the Committee urges MSIs to adopt and implement strategies that have been successful—such as working in collaboration with businesses and other institutions of higher education—to use its technology resources efficiently and maintain its infrastructure in an appropriate manner. For that reason, the Committee included the development of a long-term strategic plan for the acquisition and use of technology as an allowable use of funds under this program and urges MSIs to take advantage of this provision to ensure that limited resources are used effectively.

The Committee anticipates that many MSIs receiving grants under this program will use the funds to acquire instrumentation, enhance infrastructure and/or strengthen existing digital wireless networking technology at their institutions, but expects such funds to also be used to improve teaching and learning for students, faculty and administrators. In particular, the Committee emphasizes the special contribution that technology can make in strengthening academic programs, including mathematics, science, engineering and technology and teacher preparation, at eligible institutions.

For the purposes of the application and review procedures, the Committee expects the Under Secretary to ensure that members of review panels include representatives of MSIs and others who are knowledgeable about the technology needs of the eligible institutions. The Committee believes that the review panels should include individuals who are conversant with the particular mission of MSIs. In so doing, the Committee hopes to encourage greater participation among MSIs and their representatives on the review panel and in the program, while guarding against conflicts of interest.

The Committee believes that the review panels serve an important role in providing advice to the Under Secretary about the quality and merit of an application submitted by MSIs. To ensure that the Under Secretary receives the best possible advice, it is the Committee's view that these panels should include a diverse range

of experts knowledgeable about both the technology being sought and the implementation of this technology at education institutions. For that reason, the Committee expects the membership on these panels to include (in addition to representatives of minority-serving institutions) experts in information technology education and training, hardware, networking, both in academic and industrial settings; and Chief Information Officers from academic institutions and industry.

The Committee requires the Under Secretary to convene an annual meeting of grantees. It is the Committee's view that this should serve as an opportunity not just to foster collaboration and capacity building, as required by the program, but also to build relationships between the Department of Commerce and the MSI community.

With respect to the matching requirement, the Committee urges all applicants—including those with little or no endowment—to seek additional funds from non-Federal sources, including business, to maximize the investment in technology and technology education at their institution. The Committee believes this is important to maintaining the technological edge of the recipient institutions and to keeping faculty and students current after the Federal contribution expires. Yet, the Committee appreciates the financial circumstances of many MSIs and, for that reason, waives the required match for those with an endowment equal to or less than \$50 million.

In making awards, the Committee seeks to ensure that all eligible institutions are able to share in the Federal funding. For that reason, the Committee limited the number of grant funds in excess of \$2.5 million that any one institution could receive during the 5-year authorization. It is not the Committee's intention to establish a maximum grant. Rather, the Committee seeks to ensure that the full range of MSIs—urban and rural, public and private, 2-year and 4-year—are able to compete effectively for grants under this program, with priority given to institutions with a demonstrated need for assistance.

Because there is not sufficient data on how best to help MSIs catch up to other institutions of higher education, the Committee believes that accurate reporting on the use of funds is an important requirement of the program. Therefore, each grantee must annually report on its use of the grant, and the Under Secretary must contract with the National Academy of Public Administration to conduct an independent assessment of the program. The Committee expects these reports both to inform the efforts of MSIs and other institutions of higher education on how best to improve access to technology and to evaluate the effectiveness of the program in improving education and training at MSIs.

During the full committee markup, some Committee members expressed concern about other populations and institutions that might also benefit from assistance under this program. The Committee recognizes that other institutions of higher education with unmet technology needs also serve statistically significant numbers and percentages of minority and low-income students and appreciates the fact that the digital divide includes disparities in socioeconomic status and educational attainment. For that reason, the Committee was careful to include so called "majority-minority insti-

tutions", or institutions with large low-income minority populations that otherwise do not qualify as a HBCU, HSI, or Tribal Serving Institution among those institutions that are eligible for assistance under this program.

In addition, the Committee acknowledges that some Members are interested in establishing additional categories of minority populations, such as Asian Americans, for the purposes of this program. While recognizing that some minority groups, like Asian Americans, are an important part of our society, the Committee was disinclined to include them as a new category under this program because too little data was available on the number of low-income Asian American students at institutions of higher education and the types of institutions that may benefit from this new designation. To that end, the Committee directs the Under Secretary, in consultation with the Department of Education, to determine the number of institutions serving significant Asian American populations. The Committee stresses that race is but one factor in determining the eligibility of an institution under this Act and seeks to ensure that Federal funds are not inappropriately targeted to otherwise wealthy, digitally well-connected institutions.

IX. COST ESTIMATE

A cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted to the Committee on Science prior to the filing of this report and is included in Section X of this report pursuant to House Rule XIII, clause 3(c)(3).

H.R. 2801 does not contain new budget authority, credit authority, or changes in revenues or tax expenditures. Assuming that the sums authorized under the bill are appropriated, H.R. 2801 does authorize additional discretionary spending, as described in the Congressional Budget Office report on the bill, which is contained in Section X of this report.

X. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 25, 2003.

Hon. SHERWOOD L. BOEHLERT,
*Chairman, Committee on Science,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2801, the Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Melissa Zimmerman and Jenny Lin.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 2801—Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003

Summary: H.R. 2801 would create a new grant program for educational institutions that serve minority students within the Department of Commerce's (DOC's) Technology Administration. Eligible institutions could use the funds to improve instructional capabilities and acquire digital and wireless communication and information technology. The bill would authorize the appropriation of \$250 million for each of fiscal years 2004 through 2008 for this program and would require grant recipients to provide matching funds under certain conditions.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 2801 would cost \$823 million over the 2004–2008 period. CBO estimates that enacting this bill would have no effect on direct spending or revenues.

H.R. 2801 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs incurred by state, local, or tribal governments would be subject to conditions of aid and thus voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2801 is shown in the following table. For this estimate, CBO assumes that the amounts authorized will be appropriated near the start of each fiscal year and that the outlays will occur at rates similar to those of other DOC programs. The costs of this legislation fall within budget function 370 (commerce and housing credit).

	By fiscal year, in millions of dollars—				
	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	250	250	250	250	250
Estimated Outlays	30	130	200	228	235

Estimated impact on state, local, and tribal governments: H.R. 2801 contains no intergovernmental mandates as defined in UMRA. Any costs incurred by state, local, or tribal governments would be the result of complying with federal grant conditions and would be voluntary. The bill would primarily benefit educational institutions—including public institutions—that serve minorities, members of Native American Tribes, and disadvantaged students. Assuming that approximately 65 percent of such institutions are public or tribal institutions, H.R. 2801 would authorize grants to state, local, or tribal governments that would total about \$160 million per year.

Estimated impact on the private sector: This bill contains no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On March 18, 2003, CBO transmitted a cost estimate for S. 196, the Digital and Wireless Network Technology Program Act of 2003, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on March 13, 2003. The two pieces of legislation are similar, and our cost estimates are the same.

Estimate prepared by: Federal Costs: Melissa Zimmerman and Jenny Lin; Impact on State, Local, and Tribal Governments: Sarah Puro; and Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

XI. COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2801 contains no unfunded mandates.

XII. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

The Committee on Science's oversight findings and recommendations are reflected in the body of this report.

XIII. STATEMENT ON GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause (3)(c) of House rule XIII, the goals of H.R. 2801 are to assist minority serving institutions in acquiring, and augmenting their use of, digital and wireless networking technologies to improve the quality and delivery of educational services at their institutions.

The Committee requires that all of the programs authorized under the Minority Serving Institution Digital and Wireless Networking Opportunity Act be awarded on a competitive basis. Informed by the recommendations of a review panel, this process is expected to ensure that funds are awarded to build the technology infrastructure at the full range of minority serving institutions, with a priority for demonstrated need for assistance. While improving the technology infrastructure is a key component of this legislation, it is imperative that this technology be used to improve the teaching and learning of students, faculty and administrators. In fact, all efforts to acquire this technology should be supported with parallel efforts to use such technology to improve the quality and delivery of educational services at the minority serving institutions.

Given the limited amount of data on the specific technology needs of many minority serving institutions—and the significant investment authorized by this program—the bill requires all minority serving institutions receiving assistance under this program to be subjected to a rigorous assessment and evaluation of how the money is spent in order to collect and disseminate information on best practices.

XIV. CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 2801.

XV. FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the advisory committee established by H.R. 2801 are not currently being nor could they be performed by one or more agencies or by enlarging the mandate of another existing advisory committee.

XVI. CONGRESSIONAL ACCOUNTABILITY ACT

The Committee finds that H.R. 2801 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

XVII. STATEMENT ON PREEMPTION OF STATE, LOCAL, OR TRIBAL
LAW

This bill is not intended to preempt any state, local, or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (and new matter is printed in italic existing law in which no change is proposed is shown in roman):

**STEVENS- WYDLER TECHNOLOGY INNOVATION ACT
OF 1980**

* * * * *

SEC. 5. COMMERCE AND TECHNOLOGICAL INNOVATION.

(a) * * *

* * * * *

(g) *MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.*—

(1) *IN GENERAL.*—*The Secretary, acting through the Under Secretary, shall establish a Minority Serving Institution Digital and Wireless Technology Opportunity Program to assist eligible institutions in acquiring, and augmenting their use of, digital and wireless networking technologies to improve the quality and delivery of educational services at eligible institutions.*

(2) *AUTHORIZED ACTIVITIES.*—*An eligible institution may use a grant, cooperative agreement, or contract awarded under this subsection—*

(A) *to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure to further the objective of the Program described in paragraph (1);*

(B) *to develop and provide training, education, and professional development programs, including faculty development, to increase the use of, and usefulness of, digital and wireless networking technology;*

(C) *to provide teacher education, including the provision of preservice teacher training and in-service professional development at eligible institutions, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use digital and wireless networking technology in the classroom or instructional process, including instruction in science, mathematics, engineering, and technology subjects;*

(D) *to obtain capacity-building technical assistance, including through remote technical support, technical assistance workshops, and distance learning services; and*

(E) *to foster the use of digital and wireless networking technology to improve research and education, including scientific, mathematics, engineering, and technology instruction.*

(3) *APPLICATION AND REVIEW PROCEDURES.*—

(A) *IN GENERAL.*—To be eligible to receive a grant, cooperative agreement, or contract under this subsection, an eligible institution shall submit an application to the Under Secretary at such time, in such manner, and containing such information as the Under Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used, including a description of any digital and wireless networking technology to be acquired, and a description of how the institution will ensure that digital and wireless networking will be made accessible to, and employed by, students, faculty, and administrators. The Under Secretary, consistent with subparagraph (C) and in consultation with the advisory council established under subparagraph (B), shall establish procedures to review such applications. The Under Secretary shall publish the application requirements and review criteria in the Federal Register, along with a statement describing the availability of funds.

(B) *ADVISORY COUNCIL.*—The Under Secretary shall establish an advisory council to advise the Under Secretary on the best approaches to encourage maximum participation by eligible institutions in the program established under paragraph (1), and on the procedures to review proposals submitted to the program. In selecting the members of the advisory council, the Under Secretary shall consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council includes representatives of minority businesses and eligible institution communities. The Under Secretary shall also consult with experts in digital and wireless networking technology to ensure that such expertise is represented on the advisory council.

(C) *REVIEW PANELS.*—Each application submitted under this subsection by an eligible institution shall be reviewed by a panel of individuals selected by the Under Secretary to judge the quality and merit of the proposal, including the extent to which the eligible institution can effectively and successfully utilize the proposed grant, cooperative agreement, or contract to carry out the program described in paragraph (1). The Under Secretary shall ensure that the review panels include representatives of minority serving institutions and others who are knowledgeable about eligible institutions and technology issues. The Under Secretary shall ensure that no individual assigned under this subsection to review any application has a conflict of interest with regard to that application. The Under Secretary shall take into consideration the recommendations of the review panel in determining whether to award a grant, cooperative agreement, or contract to an eligible institution.

(D) *INFORMATION DISSEMINATION.*—The Under Secretary shall convene an annual meeting of eligible institutions receiving grants, cooperative agreements, or contracts under this subsection to foster collaboration and capacity-building activities among eligible institutions.

(E) MATCHING REQUIREMENT.—The Under Secretary may not award a grant, cooperative agreement, or contract to an eligible institution under this subsection unless such institution agrees that, with respect to the costs incurred by the institution in carrying out the program for which the grant, cooperative agreement, or contract was awarded, such institution shall make available, directly, or through donations from public or private entities, non-Federal contributions in an amount equal to one-quarter of the grant, cooperative agreement, or contract awarded by the Under Secretary, or \$500,000, whichever is the lesser amount. The Under Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than \$50,000,000.

(F) AWARDS.—

(i) LIMITATION.—An eligible institution that receives a grant, cooperative agreement, or contract under this subsection that exceeds \$2,500,000 shall not be eligible to receive another grant, cooperative agreement, or contract.

(ii) CONSORTIA.—Grants, cooperative agreements, and contracts may only be awarded to eligible institutions. Eligible institutions may seek funding under this subsection for consortia which may include other eligible institutions, a State or a State education agency, local education agencies, institutions of higher education, community-based organizations, national non-profit organizations, or businesses, including minority businesses.

(iii) PLANNING GRANTS.—The Under Secretary may provide funds to develop strategic plans to implement such grants, cooperative agreements, or contracts.

(iv) INSTITUTIONAL DIVERSITY.—In awarding grants, cooperative agreements, and contracts to eligible institutions, the Under Secretary shall ensure, to the extent practicable, that awards are made to all types of institutions eligible for assistance under this subsection.

(v) NEED.—In awarding funds under this subsection, the Under Secretary shall give priority to the institution with the greatest demonstrated need for assistance.

(G) ANNUAL REPORT AND EVALUATION.—

(i) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, cooperative agreement, or contract awarded under this subsection shall provide an annual report to the Under Secretary on its use of the grant, cooperative agreement, or contract.

(ii) INDEPENDENT ASSESSMENT.—Not later than 6 months after the date of enactment of this subsection, the Under Secretary shall enter into a contract with the National Academy of Public Administration to conduct periodic assessments of the program. The Assessments shall be conducted once every 3 years during the 10-year period following the enactment of this subsection. The assessments shall include an evaluation of the ef-

fectiveness of the program in improving the education and training of students, faculty and staff at eligible institutions that have been awarded grants, cooperative agreements, or contracts under the program; an evaluation of the effectiveness of the program in improving access to, and familiarity with, digital and wireless networking technology for students, faculty, and staff at all eligible institutions; an evaluation of the procedures established under paragraph (3)(A); and recommendations for improving the program, including recommendations concerning the continuing need for Federal support. In carrying out its assessments, the National Academy of Public Administration shall review the reports submitted to the Under Secretary under clause (i).

(iii) *REPORT TO CONGRESS.*—Upon completion of each independent assessment carried out under clause (ii), the Under Secretary shall transmit the assessment to Congress along with a summary of the Under Secretary's plans, if any, to implement the recommendations of the National Academy of Public Administration.

(H) *DEFINITIONS.*—In this subsection:

(i) *DIGITAL AND WIRELESS NETWORKING TECHNOLOGY.*—The term “digital and wireless networking technology” means computer and communications equipment and software that facilitates the transmission of information in a digital format.

(ii) *ELIGIBLE INSTITUTION.*—The term “eligible institution” means an institution that is—

(I) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), an institution described in section 326(e)(1)(A), (B), or (C) of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), or a consortium of institutions described in this subparagraph;

(II) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(III) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

(IV) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

(V) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

(VI) an institution of higher education (as defined in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k)) with an enrollment of needy students (as defined in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1058(d))).

(iii) *INSTITUTION OF HIGHER EDUCATION.*—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(iv) *LOCAL EDUCATIONAL AGENCY.*—The term “local educational agency” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(v) *MINORITY BUSINESS.*—The term “minority business” includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))).

(vi) *MINORITY INDIVIDUAL.*—The term “minority individual” means an American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban and Central or South American origin), or Pacific Islander individual.

(vii) *STATE.*—The term “State” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(viii) *STATE EDUCATIONAL AGENCY.*—The term “State educational agency” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

* * * * *

XIX. COMMITTEE RECOMMENDATIONS

On July 22, 2003, a quorum being present, the Committee on Science favorably reported the Minority Serving Institution Digital and Wireless Technology Opportunity Act, by a voice vote, and recommended its enactment.

XX. MINORITY VIEWS

We commend the Committee on Science for reporting H.R. 2801 with broad bipartisan support. This bill creates a technology partnership between the Federal Government and America's Minority-Serving Institutions (MSIs) to build a bridge across the digital divide for this group of institutions and the students they serve. Achieving the goals of this legislation may be the most significant challenge facing the Nation and these colleges and universities in the 21st century.

The Nation's Historically Black Colleges and Universities (HBCUs), and its other MSIs offer a wealth of human resources and the necessary talent to continue to strengthen and benefit our country. These institutions are noted for their consistent standards of excellence and outstanding achievements. It is a simple fact that they produce the lion's share of minority public school teachers, in addition to their noteworthy production of minority scientists and engineers. Collectively and individually, these colleges and universities are committed to providing the highest quality education for students who more often than not, do not have the social, educational, and financial advantages of other college-bound populations.

As is the case with all institutions of higher education, minority-serving institutions operate in an increasingly competitive academic and technology-focused environment. Campus-wide, faculty, staff and students are expected to conduct business and engage in academic and research pursuits using state-of-the-art facilities and technology. Too frequently, MSIs lack the institutional resources to acquire and provide the technology infrastructure and instrumentation necessary to train faculty to fully integrate technology throughout the curriculum, and to provide the highest quality learning experiences for their students. Moreover, they also could benefit from additional resources to train staff to administer and maintain digital, wireless and telecommunication systems that support the academic and day-to-day operations.

Looking at the present day and the future workforce, we cannot underestimate the value of the development of minority human capital to the country's overall success. Strengthening the technology infrastructure at MSIs is critical given the role these institutions must play in training individuals who represent a growing percentage of our postsecondary student population and the workforce that is required to be technologically literate and skilled. For this reason, H.R. 2801 is all the more important in ensuring not only the future prosperity of America, but also in raising the educational expectations of students needing the skill sets to be competitive to succeed in today's world.

Notwithstanding the extraordinary merit of H.R. 2801, we are concerned by one aspect of the bill, as reported. It specifies that the

Secretary of Commerce shall establish the Minority Serving Institution Digital and Wireless Technology Opportunity program by “acting through the Under Secretary [for Technology]”. More commonly, the agency head, in this case the Secretary, is designated as the person authorized to carry out a program authorized by Congress. The Secretary has the discretion to delegate authority to administer an authorized program. Designating a lesser department official—whose title or position might be subsequently eliminated or whose title may be changed—could place the program in administrative limbo or at risk. Some might even interpret the designation of a lesser departmental official as undermining the significance of this important program. I will work to modify the bill as it moves forward in the legislative process to explicitly charge the Secretary to establish the program.

EDDIE BERNICE JOHNSON.
SHEILA JACKSON-LEE.

XXI. PROCEEDINGS OF THE FULL COMMITTEE MARKUP

The Committee met, pursuant to other business, in room 2318 of the Rayburn House Office Building, Hon. Sherwood D. Boehlert (chairman of the committee) presiding.

Chairman BOEHLERT. The next item on the docket is H.R. 2801. I ask unanimous consent that the Subcommittee on Research be discharged from the further consideration of H.R. 2801 and ask for its immediate consideration at full Committee and, without objection, it is so ordered.

We will now consider the bill H.R. 2801, the Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003, and now, it is my pleasure to recognize one of the driving forces behind this very important and significant legislation, Mr. Forbes, for 5 minutes.

Mr. FORBES. Thank you, Mr. Chairman. Mr. Chairman, full access to technology has become a standard, not abundance, in how we communicate and do our jobs every day. Right now, 60 percent of all jobs require information technology skills and information technology jobs pay significantly higher than jobs in non-technology-related fields, yet minority-serving institutions often lack the basic information and digital technology infrastructure needed to provide their students the necessary skills and access to compete and quality for America's best-paying jobs.

H.R. 2801 would help provide essential resources to address the technology gap that exists at many minority-serving institutions by providing \$250 million in grants to historically black colleges and universities, Hispanic-serving institutions and tribal colleges and universities.

The program would offer opportunities to these institutions for activities such as computer acquisition, campus wiring and technology training. Each of these activities is an important step toward bridging the digital divide. A recent article published in the Chronicle of Higher Education highlights the need for this legislation. At the University of Richmond, there are 62 people to assist with the development, use and maintenance of campus information technology. At Virginia Union, an historically black college with half the enrollment of the University of Richmond, there is a computing staff of only 4 for the entire school. At Virginia State University, which is located in my district, only 10 percent of the students own computers, while 96 percent of the students own computers at the University of Richmond.

A study completed by the Department of Commerce and the National Association for Equal Opportunity in Higher Education indicates that no historically black college or university requires computer ownership for their undergraduate students. Thirteen HBCUs reported having no students owning their own personal computer. Over 70 percent of students at historically black colleges

and universities rely on the college or university to provide computers, but only 50 percent of those universities can provide their students with access to computers.

While this study did not address the needs of other MSIs, there is anecdotal evidence that other MSIs have the same problems at those found at HBCUs. This legislation is a start in the right direction. By addressing the technology deficiencies that exist at minority-serving institutions and increasing access to technology, we can provide our young people with the tools to success in college and life. I would like to thank Senator Allen and our Senate colleagues who passed similar legislation 97 to nothing. I would also like to thank Congressman Ed Towns for all of his hard work on this legislation, and Mr. Chairman, I thank you for scheduling this bill for markup and for the staff for the hard work they put in to get us to this point.

I urge all our members to support this worthwhile legislation.

Chairman BOEHLERT. And thank you not only for your hard work, but for your leadership. It is really appreciated.

Mr. SMITH of Michigan. Mr. Chairman.

Chairman BOEHLERT. Mr. Smith. First, I want to recognize—is it a parliamentary question?

Mr. SMITH of Michigan. It is a comment, Mr. Chairman, for the record, that you indicated that you were discharging our Research Subcommittee, as I understood it, of the bill. Actually, the Research Subcommittee held hearings on a similar bill, 2183. This bill is new legislation that takes into consideration a compromise language that was agreed to on the bill.

Chairman BOEHLERT. Thank you for that intervention. I do appreciate it. The records is clarified. The Chair recognizes Ms. Johnson.

Ms. JOHNSON. Thank you very much, Mr. Chairman, and let me thank Mr. Forbes for carrying this this particular time. For the last three or four years, I worked with Mr. Towns and Senator Allen on this legislation, and would like very much to have the two pieces of legislation combined so that Mr. Towns can get his rightful credit.

Since we were able to reach an agreement that led to this very bill that we are marking up today, there is an important issue that needs to be addressed. Throughout the proposed bill, references are made to “acting through the Undersecretary” or to “Undersecretary” as a primary official in the Department of Commerce, who will administer the Minority-Serving Institutions Digital and Wireless Technology Opportunity Program. The Secretary of Commerce is the only Cabinet official and Constitutionally-authorized official that can administer programs in the Department of Commerce.

Traditionally, the Agency head, in this case, the Secretary, is designated as the person authorized to carry out the program authorized by the Congress. Following enactment of the appropriate legislation, the Secretary in his discretion could delegate authority to administer the authorized program. We see no need to deviate from the standard procedure. In fact, designating a lesser Cabinet official, whose title or position might be subsequently eliminated and whose title may be changed, could place the program in administrative limbo or at risk.

Some might even interpret the designation of a lesser departmental official undermining the significance of this important program. All references to the Undersecretary I suggest be changed to Secretary. Again, Mr. Chairman, I want to thank you for expeditiously calling this for a markup. I am pleased that you have agreed to amend this bill so that it may include my resolution honoring the African-American scientist, and I recommend to my colleagues, if they—if he wishes to correct this, the approval—favorably approval of this legislation. Thank you.

Chairman BOEHLERT. Thank you very much. Without objection, all members may place opening statements in the records at this point.

[The statements follow:]

STATEMENT BY HON. EDDIE BERNICE JOHNSON

Mr. Chairman, I am pleased you called this markup today on such an important piece of legislation. As an original cosponsor of this legislation, I speak in support of it's favorable consideration by the committee today.

Minority serving institutions will prepare a growing portion of the future science and technology workforce, simply because demographics dictate that minority students will comprise a greater and greater share of the Nation's college-aged population.

It is in the national interest to ensure that minority serving institutions have the capability to provide a quality education for their students. This includes the presence of an important infrastructure capable of supporting distance learning, research collaborations with partner institutions, and remote access to educational resources and national research facilities.

The legislation we will markup today provides funding grants to minority serving institutions for information technology upgrades and for training faculty and staff to use the technology effectively in support of their education and research activities.

I am very happy that my colleagues, Congressmen Forbes and Town, were able to reach an agreement that led to this very bill we are marking up today. However, there is an important issue with this bill that need to be addressed.

Throughout the proposed bill references are made to "acting through the Under Secretary" or to the "Under Secretary," as the primary official in the Department of Commerce who will administer the Minority Serving Institution Digital and Wireless Technology Opportunity program. The Secretary of Commerce is the only cabinet official and constitutionally authorized official that can administer programs in the Department of Commerce. Traditionally, the agency head, in this case the Secretary, is designated as the person authorized to carry out a program authorized by the Congress. Following enactment of appropriate legislation, the Secretary, in his discretion, could delegate authority to administer the authorized program. We see no need to deviate from this standard procedure. In fact, designating a lesser cabinet official—whose title or position might be subsequently eliminated or whose title may be changed—could place the program in administrative limbo or at risk. Some might even interpret the designation of a lesser departmental official as undermining the significance of this important program. All references to "the Under Secretary" should be changed to "Secretary."

Again, Mr. Chairman, I want to thank you for expeditiously calling this markup. I am pleased that you have agreed to amend this bill so that it may include my resolution honoring the African American Scientist. I recommend H.R. 2801 to my colleagues and seek their approval to favorably report the legislation to the house.

STATEMENT OF HON. JERRY F. COSTELLO

Good morning. Today, the House Science Committee is considering six bills for mark-up. Most are non-controversial and receive wide bipartisan support.

However, I have strong reservations regarding H.R. 1085, the NASA Flexibility Act of 2003. I believe we must wait for recommendations and guidance from the Gehman Commission that will address management issues. If we are going to address the problems concerning NASA, we need to take into account the goals and vision of NASA and manned space flight. I understand that NASA needs to do more

to attract and retain the best possible workforce; however, I believe we can assist NASA by waiting to hear what recommendations the Gehman Commission makes so we can address all the management problems affecting NASA and its workforce. I believe we must also continue to review NASA's existing workforce authority and why it is underutilized.

Mr. Chairman, instead of rushing to complete this significant legislation, I believe we must take a step back and review all our options before moving forward on legislation that does not address the problem.

Aside from H.R. 1085, I believe the other pieces of legislation have been considered in a bipartisan fashion and expand programs in numerous agencies. For example, H.R. 2692, the United States Fire Administration (USFA) Authorization Act of 2003, authorizes funding for USFA activities, such as training, fire research and public education over the next three years. Over the last three decades, America's fire safety record has significantly improved. However, there are still opportunities for further improvements in our fire safety record, such as encouraging the use of sprinkler systems in homes. HR 2692 will lead us in the right direction. As a member of the Congressional Fire Services Caucus, I am proud to support this legislation.

Further, I am glad the House Science Committee is moving forward on the FAA Research and Development Reauthorization Act of 2003. As a conferee to the FAA bill for the Science Committee, I look forward to working with my colleagues to enhance the research and development programs as laid out in the legislation before this committee.

Mr. Chairman, I want to thank the committee for all their hard work on these important issues and look forward today's proceedings.

OPENING STATEMENT OF CONGRESSWOMAN SHEILA JACKSON LEE

Mr. Chairman, the bill before us today takes a critical step toward ensuring that all of our nation's young people have access to the education that will make them the leaders of tomorrow. I was pleased to cosponsor this legislation, after working with my colleagues and with Dr. Fred Humphries of NAFEO and Ms. Stephanie Myers to make it all it needs to be. I commend Congressman Forbes and Congressman Towns for their leadership on this issue, and you and Ranking Member Hall for moving this bill so expeditiously toward the Floor.

It is good to see improving the computing infrastructure at our minority serving institutions (MSIs) getting the attention and expertise it deserves. This is an excellent piece of legislation that acknowledges the profound nature of the digital divide, and puts forth the resources necessary to start to bridge it. The digital divide separates the nation's minority serving institutions from other universities, but more importantly, it separates them from the vast stores of information, of data archived around the world, and separates them from potential collaborators and students as well. I applaud the other body for voting unanimously 97-0 to pass the Allen bill, which will set aside \$1.2 billion over the next 5 years at the NSF to tackle this enormous problem. I am glad to see the Science Committee showing the same commitment.

This is a classic chicken and egg problem. Without excellent state-of-the-art computing and networking infrastructure, our HBCUs, tribal colleges, Hispanic universities, and those serving other minority groups, will never be able to place their students on the cutting edge, ready to take leadership positions in their respective fields. They will never be able to compete with richer universities for grant money for the big research programs. Of course, without that grant money, and without rich and powerful alumni, they will never be able to afford to purchase the infrastructure they need. We must break this cycle that is locking up the potential of these great institutions and their students.

Better connectivity will also let the world tap into the great expertise and resources that have been generated in the HBCUs and other MSIs over the years.

I am pleased that several provisions that I discussed with Dr. Humphries in the hearing a few weeks ago here in the Science Committee were finally incorporated into this bill. Specifically, I am referring to the peer review provisions that will ensure that those people making decisions of what institutions receive grants, will have an appreciation and understanding of the challenges and capabilities of our nation's minority serving institutions.

I hope that our colleagues here in the House display the same level of commitment to excellence in education and research as those in the Senate, and will support the bill that comes out of this Committee. If so, I am confident that this bill

will enable our minority students and researchers to drive forward the march of science and technology, and not be left behind by it.

Thank you.

Chairman BOEHLERT. I ask unanimous consent that the bill be considered as read and opened to amendment at any point, and that the members proceed with the amendments in the order of the roster.

Before we go to the amendments, without objection, so ordered. I will recognize Dr. Ehlers.

Mr. EHLERS. Thank you, Mr. Chairman. As you commented, this bill was considered by the Research Committee. The original bill asked that this be operated by the National Science Foundation. The Research Subcommittee decided that was not appropriate, and that the—a better place for it would be in TA in the Department of Commerce. And since that is under the jurisdiction of my Subcommittee, this bill should have gone to my Subcommittee.

However, in view of the desire to get it out rapidly, we simply worked very intensely, and I want to thank the staff of the Environment, Technology, and Standards Subcommittee for their spending many hours in the past week to try to get it in shape to fit in the Department of Commerce, and I am pleased that we were able to work this out.

It is very important to recognize that information technology is a crucial skill for everyone in our workforce. Up to 30 percent of U.S. jobs require significant information technology skills. It is imperative that all students have access and be properly educated in information technology. However, many minority-serving institutions lack the infrastructure, technical capacity and training to provide their students with core competencies in information technology skills.

These minority students and women are a vast, untapped talent pool that we must support and cultivate, especially in the science and engineering areas, and I have been saying for years that America is the only company that throws away about half of its potential science and engineering workforce because it fails to tap the talents of women and minorities, much more so than any other nation does, and we must emulate other nations and be equal opportunity on this score.

I would like to thank the sponsors of the bill, Mr. Forbes and Senator Allen, as well as the Committee Chairman, Mr. Boehlert, for working with us as we attempted to address this digital divide issue. I would also like to thank them for working with me to strengthen the program by adding a provision to support information technology training for pre-service and end service teachers in the science, mathematics, engineering and technology fields within these institutions, and unfortunately, that portion was left out of the bill, but I believe the Chairman is offering an amendment to correct that oversight.

That is also a reason that I support the entire bill, because the jobs of the future are going to require a basic knowledge of science and mathematics, and if we don't pass this bill and implement it, we are once again depriving minorities of an opportunity for those good jobs.

Another aspect of the bill is ensuring that expert review panels will consider quality and merit in awarding the grants under this program. This is a very expensive program. We are talking about \$250 million a year for 4 years, and that is a lot of money. The original version of the bill did not have adequate review and evaluation, and so we included this aspect, also ensuring that an independent assessment by the National Academy of Public Administration will evaluate the impact and effectiveness of the program in improving the IT education of students and faculty at the participating institutions.

I do want to offer one word of caution. Today, on the floor, we are considering the Commerce, State and Justice Appropriations Bill. The—once again, the Commerce Department is suffering under this bill, particularly the scientific aspects of it, because too much money is being taken away to fund the Justice Department in view of our responsibilities with homeland security and the fight against terrorism. No one objects to fighting the terrorism and funding the Justice Department, but the funding in the Commerce Department is simply not adequate, and 70 percent of the Justice Department budget is concerned with science. If we add this burden on them, we must collectively ensure that the appropriators provide the money for this, otherwise, the money simply will not be there. The Commerce Department does not have spare change, let alone \$250 million a year, and so, if we really want to make this bill work, we are really going to have to work with the appropriations process to make certain that the funding is provided.

With that, Mr. Chairman, I yield back.

Chairman BOEHLERT. Thank you very much. The gentleman from Pennsylvania, Mr. Weldon.

Mr. WELDON. Mr. Chairman, just briefly, I want to congratulate the distinguished Member from Virginia for an outstanding piece of legislation. I solidly and completely, enthusiastically support this legislation.

In our region of Pennsylvania, Delaware, New Jersey and Maryland, we are organizing our minority-focused institutions, led by Cheney University and Lincoln University, which are right near my district, to involve themselves in a greater technology initiative. This legislation will help lay the foundation for that. It encourages the private sector to become involved, which we are doing, and so I think the gentleman is right on the mark, and I would echo the comments of Vern Ehlers that we have to work the appropriation process now to get some funding on the table to implement the ideas in this bill.

Chairman BOEHLERT. And we are all committed to that proposition. I thank you. If no one else wishes to be heard, the first amendment on the roster is the manager's amendment, which I will offer. The amendment has been distributed. The Clerk will report the amendment.

The CLERK. Amendment to H.R. 2801, offered by Mr. Boehlert.

Chairman BOEHLERT. I ask unanimous consent to dispense with the reading. Without objection, it is so ordered. Let me—plain and simple, this amendment is designed to clarify that teacher training in the use of technology in the classroom should include instruction in science, mathematics, engineering and technology subjects.

Right to the point, plain and simple. Anyone seek recognition to discuss that? If not, the question is on the amendment. All those in favor say aye. Aye. Opposed, nay. The ayes have it. The amendment is passed.

Anyone else seek recognition for the purpose of amending the bill?

Mr. HONDA. Mr. Chairman, I have an amendment after this.

Chairman BOEHLERT. Mr. Honda.

Mr. HONDA. Thank you, Mr. Chairman, and I would like to thank you for your patience and your indulgence also. I commend the offerers of this bill for the work towards the worthy goal of providing opportunities to assist minority-serving institutions in acquiring and augmenting their use of digital and wireless networking technologies to improve the quality and delivery of education services at eligible institutions.

The bill we are marking up today lists a number of classes of eligible institutions as defined in the Higher Education Act of 1965, to wit, historically black colleges and universities, Hispanic-serving institutions, tribal colleges, Alaskan Native serving institutions and Native Hawaiian serving institutions.

Unfortunately, there is—there is currently not a definition of Asian-American and Pacific Islander serving institutions in the Higher Education Act. H.R. 333, introduced by my colleague, Mr. Wu, and myself, which was originally introduced by Mr. Underwood in the 107th Congress, would amend the Higher Education Act to create such a category.

Since this bill has not been enacted into law, we must offer amendments such as the one that we have today to include these institutions among those served by worthy programs such as this one.

Our amendment defines for the purposes of this program Asian-American and Pacific Islander serving institutions that would be eligible to apply for grant created by this program. I recognize that there are several issues that this category brings up. If we simply define such institution as having a certain percentage of student population comprised of Asian-American and Pacific Islander students, we open the door to many institutions that, quite frankly, do not require the assistance of this program that this program is designed to provide.

To try to address this problem, we added an income qualification to the definition. However, this will not address another concern that members have expressed to me that our amendment may be interpreted as changing the Higher Education Act, which is beyond this Committee's jurisdiction. To achieve this goal, what we really need to do is to advance our bill H.R. 333 in the Education Committee, and so I will be working towards that.

I do believe that the bill now offers some flexibility on the part of the Secretary to consider institutions not explicitly listed in the bill, and I hope that we can work with members of both the majority and the minority parties on report language and I would seek the cooperation of the Chair that we would express, that the sentiment that there are some institutions that serve Asian-Americans and Pacific Islanders that this bill will eventually encompass.

Mr. Chair, I would like to ask for unanimous consent to withdraw my amendment with the understanding I will be working together and wordsmithing the report language.
[Statement of Michael Honda:]

STATEMENT OF HON. MIKE HONDA

Mr. Chairman, I have an amendment at the Desk.

I commend the authors of this bill for their work towards the worthy goal of providing opportunities to assist minority serving institutions in acquiring and augmenting their use of digital and wireless networking technologies to improve the quality and delivery of educational services at eligible institutions.

The bill we are marking up today lists a number of classes of eligible institutions as defined in the Higher Education Act of 1965 (as amended)—Historically Black colleges and universities, Hispanic serving institutions, tribal colleges, Alaska Native serving institutions, and Native Hawaiian serving institutions.

Unfortunately, there is currently not a definition of Asian American and Pacific Islander serving institutions in the Higher Education Act. H.R. 333, introduced by my colleague Mr. Wu and myself, which was originally introduced by Mr. Underwood in the 107th Congress, would amend the Higher Education Act to create such a category.

Since this bill has not yet been enacted into law we must offer amendments such as the one that Mr. Wu and I are offering today to include these institutions among those served by worthy programs such as this one. Our amendment defines for the purposes of this program “Asian American and Pacific Islander serving institutions” that would be eligible to apply for the grants created by this program.

I recognize that there are several issues that this category brings up. If we simply define such an institution as having a certain percentage of the student population comprised of Asian American and Pacific Islander students, we open the door to many institutions that, quite frankly, do not require the assistance that this program is designed to provide. To try to address this problem, we added an income qualification to the definition.

This will not address another concern that Members have expressed to me, that our amendment may be interpreted as changing the Higher Education Act, which is beyond the Committee’s jurisdiction. To achieve this goal, what we really need to do is to advance our bill H.R. 333 in the Education committee, and I support my colleague Mr. Wu’s efforts on this front.

I believe that the bill offers some flexibility on the part of the Secretary to consider institutions not explicitly listed in the bill, and I hope that we can work with members of both the majority and minority parties on report language that would express the sentiment that there are some institutions that serve Asian Americans and Pacific Islanders that this bill should encompass.

Chairman BOEHLERT. Is there any objection to the unanimous consent request of the gentleman? Hearing none, so ordered.

Mr. SMITH of Michigan. Mr. Chairman.

Mr. HONDA. Thank you, Mr. Chairman.

Mr. SMITH of Michigan. Mr. Chairman, to your left.

Chairman BOEHLERT. Seeks recognition.

Mr. SMITH of Michigan. I would move to strike the last word.

Chairman BOEHLERT. The chair recognizes Mr. Smith of Michigan.

Mr. SMITH of Michigan. Just in reacting to Mr. Honda’s amendment, I think it does bring to our attention that there are many areas that could use the help in this technological divide. I think of women in our effort may be in colleges that have 70 percent women. I think of community colleges where great potential exists, so our goal in narrowing the digital divide is helping those students and those institutions that need the help.

Now, there is no question in my mind that traditionally, black colleges need the help, but also, there is a lot of other schools and a lot of other students that need that help, Mr. Chairman, and I would just like to say that directing our limited available resources

to those most in need should be the primary goal of the policy of this Committee.

Mr. Chairman, I would like to introduce for the record—in our Committee, we held a two hour long hearing with three witnesses testifying on this bill. The Director of the National Science Foundation testified that she did not feel it appropriate that this kind of legislation with that responsibility be directed toward the National Science Foundation. I have a letter sent to the Chairman from Assistant Secretary Brenda Baker that says that they would prefer that it not be in Commerce either, and it says, and I quote the second paragraph: “I am advised that the financial assistance is already available for institutions of higher education, including minority-serving institutions, to acquire educational technologies, provide educational services, including faculty development, use of other technologies through several Department of Education programs. In addition, the President’s Fiscal Year ‘04 budget supports a number of programs administered through the Departments of Education and Agriculture to provide financial assistance to improve technology instruction and infrastructure at higher educational facilities including minority-serving institutions, and accordingly, the Secretary says the Administration opposes the creation of a duplicative program called for in 2183 that is inconsistent with the President’s budget.” And I would move that this letter be made part of the record, Mr. Chairman.

[The information follows:]

DEPARTMENT OF COMMERCE, THE ASSISTANT SECRETARY
FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS,
Washington, DC, July 22, 2003.

Hon. SHERWOOD L. BOEHLERT,
*Chairman, Committee on Science,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Your Committee is scheduled to mark up H.R. 2183, the “Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003”, on July 22, 2003. We understand that your Committee has appropriately determined that this program is ill-suited for placement in the National Science Foundation. We understand that the version of the bill that will be considered would create a new grant program within the Department of Commerce’s Technology Administration and would authorize appropriations of \$250 million for each of the next five fiscal years.

I am advised that financial assistance is already available for institutions of higher education, including minority-serving institutions, to acquire educational technologies and provide educational services, including faculty development in the use of these technologies, through several Department of Education programs. In addition, the President’s FY 2004 Budget supports a number of programs, administered through the Departments of Education and Agriculture, to provide financial assistance to improve technology instruction and infrastructure at higher-education facilities, including minority-serving institutions. Accordingly, the Administration opposes the creation of a duplicative program that is inconsistent with the President’s Budget.

In addition, I am advised that the Department of Justice has raised constitutional concerns about the definition of “eligible institution” in the legislation.

The Office of Management and Budget advises that there is no objection to the submission of this letter from the standpoint of the Administration’s program.

Sincerely,

BRENDA BECKER.

Chairman BOEHLERT. Without objection, so ordered. Thank you very much. The Chair now recognizes.

Ms. WOOLSEY. Mr. Chairman. She has a——

Chairman BOEHLERT. The Chair recognizes Ms. Woolsey for the purpose of offering an amendment.

Ms. WOOLSEY. I would like to offer Ms. Eddie Bernice Johnson’s amendment that would add a new section to the bill.

Chairman BOEHLERT. The Clerk will report the amendment.

The CLERK. The amendment to H.R. 2801 offered by Ms. Eddie Bernice Johnson of Texas, offered on behalf of Ms. Woolsey.

Chairman BOEHLERT. Just the opposite.

The CLERK. Oh, on behalf of Ms. Woolsey, an amendment offered by Ms. Eddie Bernice Johnson of Texas.

Chairman BOEHLERT. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

Ms. WOOLSEY. Thank you, Mr.——

Chairman BOEHLERT. Ms. Woolsey is recognized.

Ms. WOOLSEY. Thank you, Mr. Chairman. This amendment adds a new section to the bill, Section 10, and it just very clearly and simply covers the achievements and honors the achievements and contributions of African-American scientists, mathematicians and inventors, and it is a good fit in this bill, and she is very appreciative that it was added to this——

Chairman BOEHLERT. Thank you very much, and I might add it is a good fit. We are in agreement. Who else seeks recognition? Ms. Jackson Lee.

Ms. JACKSON LEE. I would like to add my support. It is an excellent amendment and it has a good fit to a bill, Mr. Chairman, that I would like to thank the Ranking and Chairman of this Subcommittee and then the full Committee leadership for this legislation. I know that it had a very long journey from the area where it was previously placed to the Department of Commerce. I believe with the leadership of NAFEO that we are moving on steady ground. I am delighted that we answered their concerns in negotiation on the question of peer review, meaning that their peers would be reviewing their proposals, that there is very good funding, that we are addressing a very crucial issue, which many of us would like not to admit, and that is the digital divide in institutions of higher learning, and so this legislation will help with the infrastructure, the education capabilities of historically black colleges, Native American colleges and others, and as well, create a network system where students can communicate with each other and the colleges can communicate with each other. This is crucial and I believe the amendment of the distinguished lady from Texas will add

a very strong component to acknowledging those achievements of African-American scientists who have gone on before.

Thank you.

Chairman BOEHLERT. I thank the gentlelady. Is there anyone else who seeks recognition? if not, the question occurs on the amendment. All those in favor, say aye. Opposed, nay. The ayes have it, and the amendment is adopted. Are there any further amendments? There are none. The vote is on the bill as amended. H.R. 2801, the Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003. All those in favor say aye. Opposed will say no. In the opinion of the Chair, the ayes have it. Now, I will recognize Mr. Hall for a motion.

Mr. HALL. Mr. Chairman, I move that the Committee favorably report H.R. 2801 as amended to the House with a recommendation that the bill, as amended, do pass. Furthermore, I move that the staff be instructed to prepare the legislative report, make necessary technical and conforming changes and that the Chairman take all necessary steps to bring the bill before the House for consideration.

Chairman BOEHLERT. The Chair notes the presence of a reporting quorum. The question is on the motion to report the bill favorably. Those in favor will say aye. Aye. Opposed, no. The ayes have it. The ayes appear to have it, and the bill is favorably reported. Without objection, the motion to reconsider is laid upon the table. I move that members have two subsequent calendar days in which to submit supplemental, minority, or additional views on the measure. I move, pursuant to Clause 1 of Rule 22 of the House that the Committee authorize the Chairman to offer such motions as may be necessary in the House to go to conference with the Senate on the bill H.R. 2801, or a similar Senate bill. Without objection, so ordered.

[Whereupon, the Committee proceeded to other business.]

AMENDMENT ROSTER

H.R. 2801, Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003

- Motion to adopt the bill, as amended: agreed to by a voice vote.
- Motion to adopt the bill, as amended: agreed to by a voice vote.

No.	Sponsor	Description	Results
1.	Mr. Boehlert	Amendment would specify that educating teachers in science, math, engineering, and technology are among the areas for which funding could be provided.	—Adopted by a voice vote.
2.	Mr. Honda	Amendment would add to the list of eligible institutions—Asian American and Pacific Islander serving institutions.	—Unanimous consent request to withdraw the amendment; agreed to by a voice vote.
3.	Ms. Eddie Bernice Johnson	Amendment adds a new section to the bill: Sec. 10—Achievements and Contributions of African-American Scientists, Mathematicians, and Inventors.	—Adopted by a voice vote.

AMENDMENT TO H.R. 2801 OFFERED BY MR. BOEHLERT

Page 3, line 11, insert “, including instruction in science, mathematics, engineering, and technology subjects” after “instructional process”.

AMENDMENT TO H.R. 2801
OFFERED BY MR. HONDA

Page 10, lines 16 and 23, page 12, lines 11, 16, and 21, and page 13, lines 1, 8, and 12, redesignate clauses (i), (ii), (iii), (iv), (v), (vi), (vii), and (viii) as clauses (iii), (iv), (v), (vi), (vii), (viii), (x), and (xi), respectively.

Page 10, after line 15, insert the following:

1 “(i) ASIAN AMERICAN.—The term
 2 ‘Asian American’ has the meaning given
 3 the term ‘Asian’ in the Office of Manage-
 4 ment and Budget’s Standards for Main-
 5 taining, Collecting, and Presenting Federal
 6 Data on Race and Ethnicity as published
 7 on October 30, 1997 (62 Fed. Reg.
 8 58789).

9 “(ii) ASIAN AMERICAN AND PACIFIC
 10 ISLANDER-SERVING INSTITUTION.—The
 11 term ‘Asian American and Pacific Is-
 12 lander-serving institution’ means an insti-
 13 tution of higher education that—

14 “(I) is an eligible institution
 15 under section 312(b) of the Higher
 16 Education Act of 1965 (20 U.S.C.
 17 1058(b)); and

2

1 “(II) at the time of application,
2 has an enrollment of undergraduate
3 students that is at least 10 percent
4 Asian American and Pacific Islander
5 students that are nationals of the
6 United States and are individuals
7 from a family whose taxable income
8 for the preceding year did not exceed
9 150 percent of an amount equal to
10 the poverty line, within the meaning
11 given such term in section 673(2) of
12 the Omnibus Budget Reconciliation
13 Act of 1981, including any revision re-
14 quired by such section applicable to a
15 family of the size involved.

Page 12, line 2, strike “or”.

Page 12, line 10, strike the period at the end and
insert “; or”.

Page 12, after line 10, insert the following new sub-
clause:

16 “(VII) an Asian American and
17 Pacific Islander-serving institution.

Page 13, after line 7, insert the following new
clause:

1 “(ix) PACIFIC ISLANDER.—The term
2 ‘Pacific Islander’ has the meaning given
3 the term ‘Native Hawaiian’ or ‘Other Pa-
4 cific Islander’ in the Office of Management
5 and Budget Standards described in clause
6 (i).

AMENDMENT TO H.R. 2801
OFFERED BY MS. EDDIE BERNICE JOHNSON OF
TEXAS

At the end of the bill, insert the following new section:

1 **SEC. 4. ACHIEVEMENTS AND CONTRIBUTIONS OF AFRICAN-**
2 **AMERICAN SCIENTISTS, MATHEMATICIANS,**
3 **AND INVENTORS.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) the historical experience of Americans of Af-
6 rican descent began more than 5,000 years B.C.E.,
7 with notable scientists, mathematicians, and inven-
8 tors such as Imhotep, who is recognized by contem-
9 porary historians as the first architect, a pioneer in
10 mathematics, an eminent sage and patron of scribes,
11 a respected leader among early Egyptian and Greek
12 civilizations, builder of the first pyramid, and the
13 physician upon whose knowledge and teachings
14 about human anatomy and the functions of the
15 major organs modern medicine rests;

16 (2) African-Americans have earned an undeni-
17 able role in the development of the culture of this
18 Nation, contributing major inventions and scientific

1 discoveries, among other things, that enrich the
2 quality of life for all mankind;

3 (3) the scientific and technological contributions
4 of African-Americans to the world are largely absent
5 from history books;

6 (4) the ethos of this rich and proud people, de-
7 scendants of kings and queens, has been passed
8 down to generations through whispered tales by a
9 remnant of African-American ancestors who under-
10 stood the relationship between honor, respect, and
11 appreciation of heritage and culture, and the vision
12 and success of future generations;

13 (5) it is with this spirit that we recognize and
14 celebrate the creative genius and contributions of
15 Annie Easley, Sharon J. Barnes, Thomas L. Jen-
16 nings, Dr. Benjamin S. Carson, David Blackwell,
17 David N. Crosthwait, Elijah McCoy, Clarence A.
18 Ellis, Phillip Emeagwali, Charles R. Drew, Sarah E.
19 Goode, Granville T. Woods, Lewis H. Latimer, Mer-
20 edith C. Gourdine, Ernest E. Just, Evelyn Boyd
21 Granville, Norbert Rillieux, Mae C. Jemison, George
22 Carruthers, Garret A. Morgan, J. Ernest Wilkins,
23 Sarah Boone, Booker T. Washington, and numerous
24 other African-Americans whose great achievements
25 evidence a vast pool of untapped intellect;

1 (6) education has been the social, economic, and
2 political gatekeeper for African-Americans, and will
3 become increasingly so for students of color desiring
4 to participate fully in the scientific and technological
5 innovations of the new millennium;

6 (7) although progress has been made in the
7 educational attainment of African-Americans, they
8 remain less likely than whites and Asians to grad-
9 uate from high school, enroll in college, graduate
10 from college, and pursue graduate and professional
11 degrees;

12 (8) African-Americans represent approximately
13 12 percent of the population in the United States,
14 but only 3 percent of the total science and engineer-
15 ing labor force, less than 1 percent of scientists and
16 engineers, 2 percent of doctoral scientists and engi-
17 neers, and 1 quarter of 1 percent of computer sci-
18 entists;

19 (9) if the declining number and percentage of
20 African-American high school and college students
21 choosing careers that require undergraduate and ad-
22 vanced degrees in science and mathematics con-
23 tinues unabated, the serious shortage of African-
24 American scientists, mathematicians, physicians,
25 computer scientists, and inventors would cause seri-

1 ous harm to the Nation's leadership in scientific re-
2 search;

3 (10) the dreams and aspirations of too many
4 African-American youth have withered and must be
5 revitalized with the message that they descend from
6 a proud and noble people who expected and settled
7 for nothing less than excellence in every endeavor,
8 and whose greatness has left an indelible mark on
9 the world;

10 (11) it is vital that the citizens of this Nation,
11 especially young African-Americans, realize and ap-
12 preciate the important contributions of their ances-
13 tors and contemporaries to past and present society;
14 and

15 (12) to fulfill the Nation's commitment to equal
16 opportunity and prosperity for every citizen, it is im-
17 perative that African-American youth and people of
18 all races and ages realize that the fields of science,
19 mathematics, engineering, and technology are avail-
20 able and accessible to everyone.

21 (b) ACKNOWLEDGEMENT AND RECOGNITION.—The
22 Congress acknowledges and recognizes the significant
23 achievements and contributions of African-American sci-
24 entists, mathematicians, and inventors.

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H.L.C.

.....
(Original Signature of Member)

108TH CONGRESS
1ST SESSION

H. R. 2801

IN THE HOUSE OF REPRESENTATIVES

Mr. FORBES (for himself and Mr. TOWNS) introduced the following bill; which
was referred to the Committee on _____

A BILL

To establish a digital and wireless network technology
program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Minority Serving Insti-
5 tution Digital and Wireless Technology Opportunity Act
6 of 2003”.

1 **SEC. 2. ESTABLISHMENT OF PROGRAM.**

2 Section 5 of the Stevenson-Wydler Technology Inno-
3 vation Act of 1980 (15 U.S.C. 3704) is amended by insert-
4 ing the following after subsection (f):

5 “(g) MINORITY SERVING INSTITUTION DIGITAL AND
6 WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—

7 “(1) IN GENERAL.—The Secretary, acting
8 through the Under Secretary, shall establish a Mi-
9 nority Serving Institution Digital and Wireless Tech-
10 nology Opportunity Program to assist eligible insti-
11 tutions in acquiring, and augmenting their use of,
12 digital and wireless networking technologies to im-
13 prove the quality and delivery of educational services
14 at eligible institutions.

15 “(2) AUTHORIZED ACTIVITIES.—An eligible in-
16 stitution may use a grant, cooperative agreement, or
17 contract awarded under this subsection—

18 “(A) to acquire equipment, instrumenta-
19 tion, networking capability, hardware and soft-
20 ware, digital network technology, wireless tech-
21 nology, and infrastructure to further the objec-
22 tive of the Program described in paragraph (1);

23 “(B) to develop and provide training, edu-
24 cation, and professional development programs,
25 including faculty development, to increase the

1 use of, and usefulness of, digital and wireless
 2 networking technology;

3 “(C) to provide teacher education, includ-
 4 ing the provision of preservice teacher training
 5 and in-service professional development at eligi-
 6 ble institutions, library and media specialist
 7 training, and preschool and teacher aid certifi-
 8 cation to individuals who seek to acquire or en-
 9 hance technology skills in order to use digital
 10 and wireless networking technology in the class-
 11 room or instructional process;

12 “(D) to obtain capacity-building technical
 13 assistance, including through remote technical
 14 support, technical assistance workshops, and
 15 distance learning services; and

16 “(E) to foster the use of digital and wire-
 17 less networking technology to improve edu-
 18 cation, including scientific, mathematical, engi-
 19 neering, and technology instruction and re-
 20 search.

21 “(3) APPLICATION AND REVIEW PROCE-
 22 DURES.—

23 “(A) IN GENERAL.—To be eligible to re-
 24 ceive a grant, cooperative agreement, or con-
 25 tract under this subsection, an eligible institu-

1 tion shall submit an application to the Under
2 Secretary at such time, in such manner, and
3 containing such information as the Under Sec-
4 retary may require. Such application, at a min-
5 imum, shall include a description of how the
6 funds will be used, including a description of
7 any digital and wireless networking technology
8 to be acquired, and a description of how the in-
9 stitution will ensure that digital and wireless
10 networking will be made accessible to, and em-
11 ployed by, students, faculty, and administra-
12 tors. The Under Secretary, consistent with sub-
13 paragraph (D) and in consultation with the ad-
14 visory council established under subparagraph
15 (C), shall establish procedures to review such
16 applications. The Under Secretary shall publish
17 the application requirements and review criteria
18 in the Federal Register, along with a statement
19 describing the availability of funds.

20 “(B) TECHNOLOGY ENHANCEMENT
21 PLAN.—Eligible institutions applying for a
22 grant, cooperative agreement, or contract under
23 this subsection shall submit a technology en-
24 hancement plan, or a strategy for developing
25 such a plan, as part of the grant application.

1 “(C) ADVISORY COUNCIL.—The Under
2 Secretary shall establish an advisory council to
3 advise the Under Secretary on the best ap-
4 proaches to encourage maximum participation
5 by eligible institutions in the program estab-
6 lished under paragraph (1), and on the proce-
7 dures to review proposals submitted to the pro-
8 gram. In selecting the members of the advisory
9 council, the Under Secretary shall consult with
10 representatives of appropriate organizations, in-
11 cluding representatives of eligible institutions,
12 to ensure that the membership of the advisory
13 council includes representatives of minority
14 businesses and eligible institution communities.
15 The Under Secretary shall also consult with ex-
16 perts in digital and wireless networking tech-
17 nology to ensure that such expertise is rep-
18 resented on the advisory council.

19 “(D) REVIEW PANELS.—Each application
20 submitted under this subsection by an eligible
21 institution shall be reviewed by a panel of indi-
22 viduals selected by the Under Secretary to
23 judge the quality and merit of the proposal, in-
24 cluding the extent to which the eligible institu-
25 tion can effectively and successfully utilize the

1 proposed grant, cooperative agreement, or con-
2 tract to carry out the activities authorized
3 under paragraph (2). The Under Secretary
4 shall ensure that the review panels include rep-
5 resentatives of minority serving institutions and
6 others who are knowledgeable about eligible in-
7 stitutions and technology issues. The Under
8 Secretary shall ensure that no individual as-
9 signed under this subsection to review any ap-
10 plication has a conflict of interest with regard
11 to that application. The Under Secretary shall
12 take into consideration the recommendations of
13 the review panel in determining whether to
14 award a grant, cooperative agreement, or con-
15 tract to an eligible institution.

16 “(E) INFORMATION DISSEMINATION.—The
17 Under Secretary shall convene an annual meet-
18 ing of eligible institutions receiving grants, co-
19 operative agreements, or contracts under this
20 subsection to foster collaboration and capacity-
21 building activities among eligible institutions.

22 “(F) MATCHING REQUIREMENT.—The
23 Under Secretary may not award a grant, coop-
24 erative agreement, or contract to an eligible in-
25 stitution under this subsection unless such in-

1 stitution agrees that, with respect to the costs
2 incurred by the institution in carrying out the
3 program for which the grant, cooperative agree-
4 ment, or contract was awarded, such institution
5 shall make available, directly, or through dona-
6 tions from public or private entities, non-Fed-
7 eral contributions in an amount equal to one-
8 quarter of the grant, cooperative agreement, or
9 contract awarded by the Under Secretary, or
10 \$500,000, whichever is the lesser amount. The
11 Under Secretary shall waive the matching re-
12 quirement for any institution or consortium
13 with no endowment, or an endowment that has
14 a current dollar value lower than \$50,000,000.

15 “(G) AWARDS.—

16 “(i) LIMITATION.—An eligible institu-
17 tion that receives a grant, cooperative
18 agreement, or contract under this sub-
19 section that exceeds \$2,500,000 shall not
20 be eligible to receive another grant, cooper-
21 ative agreement, or contract.

22 “(ii) CONSORTIA.—Grants, coopera-
23 tive agreements, and contracts may only be
24 awarded to eligible institutions. Eligible in-
25 stitutions may seek funding under this

8

1 subsection for consortia which may include
2 other eligible institutions, a State or a
3 State education agency, local education
4 agencies, institutions of higher education,
5 community-based organizations, national
6 nonprofit organizations, or businesses, in-
7 cluding minority businesses.

8 “(iii) PLANNING GRANTS.—The
9 Under Secretary may provide funds to de-
10 velop strategic plans to implement such
11 grants, cooperative agreements, or con-
12 tracts.

13 “(iv) INSTITUTIONAL DIVERSITY.—In
14 awarding grants, cooperative agreements,
15 and contracts to eligible institutions, the
16 Under Secretary shall ensure, to the extent
17 practicable, that awards are made to all
18 types of institutions eligible for assistance
19 under this subsection.

20 “(v) NEED.—In awarding grants, co-
21 operative agreements, and contracts to eli-
22 gible institutions under this subsection, the
23 Under Secretary shall ensure, to the extent
24 practicable, that awards are made accord-
25 ing to a demonstrated need for assistance.

1 “(H) ANNUAL REPORT AND EVALUA-
2 TION.—

3 “(i) ANNUAL REPORT REQUIRED
4 FROM RECIPIENTS.—Each institution that
5 receives a grant, cooperative agreement, or
6 contract awarded under this subsection
7 shall provide an annual report to the
8 Under Secretary on its use of the grant,
9 cooperative agreement, or contract.

10 “(ii) INDEPENDENT ASSESSMENT.—
11 Not later than 6 months after the date of
12 enactment of this subsection, the Under
13 Secretary shall enter into a contract with
14 the National Academy of Public Adminis-
15 tration to conduct periodic assessments of
16 the program. The Assessments shall be
17 conducted once every 3 years during the
18 10-year period following the enactment of
19 this subsection. The assessments shall in-
20 clude an evaluation of the effectiveness of
21 the program in improving the education
22 and training of students, faculty and staff
23 at eligible institutions that have been
24 awarded grants, cooperative agreements, or
25 contracts under the program; an evaluation

10

1 of the effectiveness of the program in im-
2 proving access to, and familiarity with, dig-
3 ital and wireless networking technology for
4 students, faculty, and staff at all eligible
5 institutions; an evaluation of the proce-
6 dures established under paragraph (3)(A);
7 and recommendations for improving the
8 program, including recommendations con-
9 cerning the continuing need for Federal
10 support. In carrying out its assessments,
11 the National Academy of Public Adminis-
12 tration shall review the reports submitted
13 to the Under Secretary under clause (i).

14 “(iii) REPORT TO CONGRESS.—Upon
15 completion of each independent assessment
16 carried out under clause (ii), the Under
17 Secretary shall transmit the assessment to
18 Congress along with a summary of the
19 Under Secretary’s plans, if any, to imple-
20 ment the recommendations of the National
21 Academy of Public Administration.

22 “(I) DEFINITIONS.—In this subsection:

23 “(i) DIGITAL AND WIRELESS NET-
24 WORKING TECHNOLOGY.—The term ‘dig-
25 ital and wireless networking technology’

11

1 means computer and communications
2 equipment and software that facilitates the
3 transmission of information in a digital
4 format.

5 “(ii) ELIGIBLE INSTITUTION.—The
6 term ‘eligible institution’ means an institu-
7 tion that is—

8 “(I) a historically Black college
9 or university that is a part B institu-
10 tion, as defined in section 322(2) of
11 the Higher Education Act of 1965 (20
12 U.S.C. 1061(2)), an institution de-
13 scribed in section 326(e)(1)(A), (B),
14 or (C) of that Act (20 U.S.C.
15 1063b(e)(1)(A), (B), or (C)), or a
16 consortium of institutions described in
17 this subparagraph;

18 “(II) a Hispanic-serving institu-
19 tion, as defined in section 502(a)(5)
20 of the Higher Education Act of 1965
21 (20 U.S.C. 1101a(a)(5));

22 “(III) a tribally controlled college
23 or university, as defined in section
24 316(b)(3) of the Higher Education
25 Act of 1965 (20 U.S.C. 1059e(b)(3));

12

1 “(IV) an Alaska Native-serving
 2 institution under section 317(b) of the
 3 Higher Education Act of 1965 (20
 4 U.S.C. 1059d(b));

5 “(V) a Native Hawaiian-serving
 6 institution under section 317(b) of the
 7 Higher Education Act of 1965 (20
 8 U.S.C. 1059d(b)); or

9 “(VI) an institution of higher
 10 education (as defined in section 365
 11 of the Higher Education Act of 1965
 12 (20 U.S.C. 1067k)) with an enroll-
 13 ment of needy students (as defined in
 14 section 312(d) of the Higher Edu-
 15 cation Act of 1965 (20 U.S.C.
 16 1058(d)).

17 “(iii) INSTITUTION OF HIGHER EDU-
 18 CATION.—The term ‘institution of higher
 19 education’ has the meaning given the term
 20 in section 101 of the Higher Education
 21 Act of 1965 (20 U.S.C. 1001).

22 “(iv) LOCAL EDUCATIONAL AGEN-
 23 CY.—The term ‘local educational agency’
 24 has the meaning given the term in section